

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 340 of 2016

1. Vishwajeet Singh, aged about 22 years, S/o. Late Lakhbir Singh, R/o. New Krishna Nagar, Ward No.3, Supela, Bhilai, District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station -Dongargarh, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. Anand Shukla, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.263/2015, registered at Police Station – Dongargarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act and subsequently Section 420 of Indian Penal Code added.
2. Case of the prosecution, in brief, is that 25.06.2015, the police received information that the applicant being carried out the illicit liquor in the vehicle bearing No.C.G.18B-7860, the applicant was apprehended and from the possession of the applicant 144 bulk liter liquor was seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that all the witnesses in this case have been examined and the case was fixed for pronouncement of judgment on 01.12.2015 and on that day an

application filed by the prosecution under Section 311 of Cr.P.C., which was allowed and the case was adjourned. He would further submit that the applicant is in jail since 28.06.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Since the prosecution witnesses have been examined as per the statement of the counsel, it would not be proper for this Court to evaluate such evidence at the fag end of the trial. Considering such fact only few of the witnesses have been directed to be re-examined and further considering the detention as against the quantity of the liquor seized, this Court is not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge